

MADISON COUNTY RESOLUTION 8-2009
Sheriff's Service Fees

BE IT RESOLVED BE THE MADISON COUNTY COMMISSIONERS:

Section 1. Fees of the sheriff to be fixed by resolution.

- (1) The county commissioners may annually, by resolution, fix the fees of the sheriff for services provided in 7/32/2141 MCA.
- (2) Fees set under subsection (1) must be based upon the prevailing rate charged by private process servers in the county for similar services.
- (3) Fees collected under this section must be paid and credited as provided in 7/32/2141 MCA.

Section 2. For the services provided in 7/32/2141 MCA, subsection (1)(a) through (1)(n), the sheriff shall receive the following fees:

- (1)(a) for the service of summons and complaint on each defendant, \$60;
- (b) for making a return of a summons for a person not found in the county, \$60;
- (c) for levying and serving each writ of execution or attachment on real or personal property, \$100;
- (d) for service of attachment on the body or order of arrest on each defendant, \$60;
- (e) for the service of affidavit, order, and undertaking in claim and delivery, \$60;
- (f) for serving a subpoena on each witness summoned, \$60;
- (g) for serving a writ of possession or restitution, \$60;
- (h) for trial of the right of property or damages, including all services except mileage, \$60;
- (i) for taking bond or undertaking in any case authorized by law, \$60;
- (j) for serving every notice, rule, or order on each person served, \$60;
- (k) for a copy of any writ, process, or other paper when demanded or required by law, \$1 for each page;
- (l) for posting notices and advertising any property for sale on execution or under any judgment or order of sale, exclusive of cost of publication, \$60;
- (m) for holding any sheriff's sale for personal or real property on execution or under any judgment or order of sale, \$150;
- (n) for cancellation or postponement of sheriff's sale, \$60;
- (2) All fees collected by the sheriff for the services provided in subsection (1) must be paid to the county treasurer as provided in 7-4-2511(1) MCA, and the fees must be credited by the county treasurer to the sheriff's budget.

Section 3. Mileage and Notary fee set as follows:

- (a) Mileage will be current State rate.
- (b) Notary fees will be \$2.

Section 4. This act is effective _____ on passage and approval.

David Schulz, Chairman

Jim Hart, Commissioner

Marilyn Ross, Commissioner

Date